

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

AMY VELEZ et. al.,

Plaintiff,

v.

NOVARTIS PHARMACEUTICALS
CORPORATION and NOVARTIS
CORPORATION,

Defendants.

USDC SDNY
DOCUMENT
ELECTRONICALLY FILED
DOC #:
DATE FILED: 10/19/05

**REVISED CIVIL
CASE MANAGEMENT PLAN**

(Judge Gerard E. Lynch)

Case No. 04 CV 9194

After consultation with counsel for and by all parties and their appearance in person and by telephone on October 14, 2005, this Revised Case Management Plan is adopted. This plan is also a scheduling order pursuant to Rules 16 and 26(f) of the Federal Rules of Civil Procedure.

1. The case is to be tried by a jury.
2. Joinder of additional parties has been accomplished by June 3, 2005.
3. Amended pleadings were filed by August 18, 2005.
4. Class Discovery.

All fact discovery related to class certification (apart from expert discovery as provided below) is to be completed by February 28, 2006. Interim deadlines set below may be extended by the parties on consent without application to the Court, provided the parties can still meet the discovery completion date ordered by the Court, which shall not be adjourned except upon a showing of extraordinary circumstances.

- A. First request for production of documents relating to class certification, if any, was served by June 30, 2005.
- B. Interrogatories relating to class certification pursuant to Local Rule 33.3(a) of the Civil Rules of the Southern District of New York were served by June 30, 2005. No other interrogatories are permitted except upon prior express permission of the Court.
- C. Experts, if any, in support of class certification are to be designated by plaintiffs by March 31, 2006, and any reports furnished by May 1, 2006. Any experts by

defendants in opposition to class certification shall be designated by May 1, 2006, and any reports furnished by June 1, 2006. Experts may be deposed, but such depositions must occur by June 22, 2006.

- D. The motion for class certification is to be served and filed by August 15, 2006. Answering papers are to be served and filed by September 29, 2006. Reply papers are to be served and filed by November 10, 2006.

All motions and applications shall be governed by the Court's Individual Practice Rules, which are available on the Internet at <http://www.nvsvd.uscourts.gov>. Note that under those rules, two courtesy copies of all motion papers are to be provided to chambers by the movant at the time the reply is filed. It is the responsibility of the movant to make sure that copies of all parties' papers are provided at that time.

Any party may request oral argument by letter at the time reply papers are filed. Whether or not requested, the Court will determine whether and when oral argument is to be held.

5. Merits Discovery.

Merits discovery shall be held in abeyance pending the outcome of plaintiffs' class certification motion, at which time the parties shall submit a revised Case Management Plan.

6. The joint pretrial order shall be filed no later than 30 days after completion of discovery, or after the final decision of any dispositive motion, whichever is later, unless a different date is set by order of the Court. The requirements for the pre-trial order and other pre-trial submissions shall be governed by the Court's Individual Practice Rules.
7. Counsel do not consent to trial by a U.S. Magistrate Judge.
8. The parties are to appear before the Court for another interim status conference in this matter on February 3 at 11:30 am

Dated:
New York, New York

October 14, 2005

SO ORDERED:


GERARD E. LYNCH
United States District Judge